

# Staff Summary Report



Council Meeting Date: 9/20/2012

Agenda Item Number: 5E2

**SUBJECT:** Request adoption of a resolution terminating the Rio Salado Foundation Rehabilitation and License Agreement for the partial rehabilitation of the Flour Mill and approving the execution of a License Agreement with Downtown Tempe Community (DTC) for the programming of events at the Flour Mill.

**DOCUMENT NAME:** 20120920cdcm01 COMMUNITY DEVELOPMENT/REDEVELOPMENT PROJECTS (0403-01) RESOLUTION 2012.110

**COMMENTS:** The Rio Salado Foundation has completed creation of the events venue at the Flour Mill and with approval of the attached resolution; the Downtown Tempe Community will begin programming events and other activities at this venue.

**PREPARED BY:** Chris Messer, Principal Planner (350-8562)

**REVIEWED BY:** Don Bessler, Public Works Director, (350-8205)  
Travis Dray, Deputy Community Services Director – Recreation (350-5182)  
Linda Cano, Recreation Manager, (350-5260)  
Mark Day, Senior Budget and Finance Analyst (350-8697)

**LEGAL REVIEW BY:** Cynthia McCoy, Assistant City Attorney (858-2817)

**DEPARTMENT REVIEW BY:** Lisa Collins, Interim Community Development Director (350-8989)

**FISCAL NOTE:** DTC will be responsible for collecting and accounting for all revenue generated as part of this Agreement. In the event that net revenues are realized (gross revenues less allowable operating costs), these funds will be utilized to fund a capital reserve account. The capital reserve will be used to promote future events at the Mill, provide infrastructure, and repair damages to the property from events. This Agreement requires that DTC and all other third parties using the event space comply with the City's special events permitting process and any fees or taxes payable as part of that process would be paid directly to the City.

**RECOMMENDATION:** Adopt Resolution No. 2012.110.

**ADDITIONAL INFO:** In February of 2012, the City entered a license agreement with the Rio Salado Foundation to rehabilitate, clean up, landscape, and create an event venue at the Flour Mill. That work was completed at the end of August and it is time to start energizing the Flour Mill property. DTC will program events at the site and do minor cleaning of the site. All events at the site will be processed through the special events task force and any proceeds from the events will be used to program future events, improve the site for future events and other purposes to energize the property.

**RESOLUTION NO. 2012.110**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF TEMPE AND THE DOWNTOWN TEMPE COMMUNITY, AN ARIZONA NONPROFIT CORPORATION.**

**WHEREAS**, the City owns certain land located at the corner of Mill Avenue and Rio Salado Parkway, known as the "Flour Mill"; and

**WHEREAS**, the City desires to energize the Flour Mill property by allowing events and other activities at the site as a temporary use pending its ultimate development, and

**WHEREAS**, the Downtown Tempe Community, an Arizona nonprofit corporation (the "DTC") desires to assist the City with these goals.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA**, as follows:

That the Mayor or his designee is authorized to execute the License Agreement with the Downtown Tempe Community, in substantially the form on file with the City Clerk's office, and the Mayor or his designee is further authorized to take such further actions and execute such additional documents as are necessary to implement such agreement and terminate the existing License with the Rio Salado Foundation.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA**, this \_\_\_\_\_ day of September, 2012.

\_\_\_\_\_  
Mark W. Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY